



Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Title 27

Unified Program Consolidated Forms (UPCF) and Supporting Data Dictionary Changes

45-Day Public Notice and Comment Period

NOTICE IS HEREBY GIVEN that the California Environmental Protection Agency (Cal/EPA) proposes to amend the California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, article 6, section 15290; article 9, section 15400; and article 10, section 15600. These regulations require amending the corresponding reports required by section 15290 entitled Report 3 – Annual Inspection Summary Report, Report 4 – Annual Enforcement Summary Report, and Report 6 – Quarterly Underground Storage Tank Program Report. These regulations also amend the Data Dictionary for Regulated Activities that is found in division 3, subdivision 1, chapters 1 – 5. The associated elements in the data dictionary are related to the following Unified Program Consolidated Forms (UPCF): Business Activities Page, Business Owner/Operator Identification Page, Hazardous Material Inventory Page and the Onsite Tiered Permitting Permit by Rule Page. These regulations also amend the UPCF found in division 3, subdivision 1, chapter 6.

These proposed regulations improve the organizational structure, delete information requirements that are no longer needed or used, and clarify existing data elements of the data dictionary, reports and forms.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established beginning March 23, 2007, and closing on May 7, 2007. Cal/EPA will hold a public hearing on the proposed regulations on May 11, 2007, at 9 A.M. in the Cal/EPA headquarters building, Byron Sher Auditorium, 2nd Floor, 1001 "I" Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments submitted no later than 5 P.M. on May 7, 2007, will be considered.

Representatives of Cal/EPA will preside at the hearing. Anyone who wishes to speak needs to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 8:30 A.M. to 9 A.M. Registered persons will be heard in the order of registration. Other persons wishing to speak at the hearing will be given an opportunity to do so after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA headquarters building, all visitors are required to sign in and obtain a visitor badge prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center located just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification, which can be a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to 15 minutes. Please allow adequate time to sign in before being directed to the public hearing.

If you have special accommodations or language needs, please contact Ellajay Joiner, Executive Assistant, Unified Program, Cal/EPA, at (916) 327-9559 or by e-mail at ejoiner@calepa.ca.gov by April 27, 2007. TTY/TDD users may dial 711 for the California Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193.

AUTHORITY AND REFERENCE

The Secretary of Cal/EPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and section 25531.2; and Government Code section 16.5(c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

The Secretary of Cal/EPA also makes these amendments under the authority granted by Public Resources Code sections 71060 – 71063 regarding data management standardization. These sections require the Secretary to adopt regulations to standardize environmental data reporting electronically.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Chapter 6.11, division 20, of the Health and Safety Code section 25404 et seq. created the Unified Hazardous Waste and Hazardous Materials Management Regulation Program (Unified Program). The regulations to implement this program are located in title 27 of the California Code of Regulations. The Unified Program is a merger of the administration of the six previously existing programs specified in Health and Safety Code section 25404(c) and in section 15100 et seq of title 27 of the California Code of Regulations. The six program elements and related laws are:

1. Hazardous Materials Release Response Plans and Inventory – Health and Safety Code division 20, article 1, section 15500 et seq); and title 19 of the of the California Code of Regulations, sections 2620 – 2734, also known as the 'right-to-know' or 'hazardous materials inventory' programs.

2. California Accident Prevention (CalARP) Program – Health and Safety Code division 20, article 2, section 15531 et seq; and title 19 of the California Code of Regulations, sections 2735.1 – 2785.1.
3. Underground Tank Program – Health and Safety Code division 20, chapter 6.7, section 25280 et seq; and title 23 of the California Code of Regulations, section 2620 et seq.
4. Aboveground Storage Tank Program – Health and Safety Code division 20, chapter 6.67, section 25270.5(c); and by reference federal regulations in part 112 of title 40 of the Code of Federal Regulations.
5. Hazardous Waste Generator Program and Hazardous Waste Onsite Treatment activities – Health and Safety Code division 20, chapter 6.5; and title 22 of the California Code of Regulations, division 4.5.
6. Hazardous Materials Management Plan and Hazardous Materials Inventory Statement requirements – California Fire Code title 24, part 9, sections 8001.3.2 and 8001.3.3.

Public Resources Code division 34, part 2, chapter 3, Environmental Data Reporting – Data Management, sections 71060 – 71063 require the Secretary of Cal/EPA to adopt regulations to standardize environmental data reporting electronically.

Linkage to Concurrent State Regulations

Some of these proposed regulation changes are necessary because of changes in other regulatory titles of the California Code of Regulations linked to the Unified Program. Separate rulemakings for titles 19, 22 and 23 are anticipated to be considered concurrently with this title 27 rulemaking. Related titles and the lead agencies are as follows:

Title 19 addresses the Hazardous Materials Release and Response Plans and the California Accidental Release Prevention program with the Governor's Office of Emergency Services as lead.

Title 22 addresses hazardous waste generators and onsite hazardous waste treatment activities with the Department of Toxic Substances Control as lead.

Title 23 addresses the Underground Storage Tank and Above Ground Petroleum Storage Tank program with the State Water Resources Control Board as lead.

Policy Statement Overview

Broad Objective: The changes implemented in these regulations derive from new or modified statutory requirements, streamlining to remove unused information from reports and aligning the standard data dictionary with current information management standards.

Specific Objectives: The Department of Toxic Substances Control is required to collect information regarding cyanide treatment on site and this will be done through the existing standardized reporting forms with some modification.

The State Water Resources Control Board has updated the information collection requirements for underground storage tank permits as a result of enacted legislation. This information is collected on the existing standardized reporting forms with some modification.

Cal/EPA has modified its information collection from CUPA's to eliminate unused information and to bring the process current with statutory changes made over a number of previous years.

Proposed Regulations

These regulations are administrative in nature and do not impose any new regulatory requirements. The proposed changes to the data dictionary, summary report forms, and UPCF are needed to achieve the following objectives. These objectives are a result of discussions regarding data management that occurred over the last three years during meetings with CUPA's, state agencies and Cal/EPA.

- Provide the U.S. Environmental Protection Agency with an agreed upon set of information regarding hazardous waste inspections;
- Clarify and improve summary reports 3 and 4;
- Extract summary report data from the data dictionary;
- Update report 6 to address program changes;
- Generally clean up the data dictionary related to:
 - Summary report forms 3, 4; and 6;
 - Business Activities Page, Business Owner/Operator Identification Page and Hazardous Material Inventory Page; and
 - On-site Tiered Permitting Permit by Rule Page.

California Environmental Quality Act (CEQA) Compliance

Cal/EPA has found this rulemaking project to be exempt under the California Environmental Quality Act. A Notice of Exemption (NOE) is available with the rulemaking file and the NOE will be filed with the State Clearinghouse, Office of Planning and Research, when the regulations are adopted.

Peer Review

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

Business Report

Cal/EPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: Cal/EPA has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: Cal/EPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq, or other non-discretionary costs to local agencies.

Cost or Savings to Any State Agency: Cal/EPA has made a preliminary determination that the proposed regulations will have no net impact on state revenue or costs. The Department of Toxic Substances Control acting as the CUPA in Trinity and Imperial Counties utilizes Envision software with a service maintenance contract that does not incur costs to modify the business reporting system.

Cost or Savings in Federal Funding to the State: Cal/EPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Effect on Housing Costs: Cal/EPA has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: Cal/EPA has made a preliminary determination that representative private persons or businesses may incur a one-time cost to modify their computer software and hardware to comply with the proposed action; however, it is anticipated that the cost would be minor.

Significant Statewide Adverse Economic Impact on Businesses: Cal/EPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) Creation or elimination of jobs within California – Cal/EPA has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.

- (B) Creation of new businesses or the elimination of existing businesses within California – Cal/EPA has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) Expansion of businesses currently doing business in California – Cal/EPA has made a preliminary determination that some businesses in California could be expanded as a result of the proposed regulations; however, it is anticipated that any expansion would be minor.

Effect on Small Businesses: Cal/EPA has determined that provisions of this rulemaking could affect small businesses by the costs associated with modifying their electronic reporting databases. The proposed regulations create no significant impacts and do not impose any prescriptive standards or reporting requirements.

CONSIDERATION OF ALTERNATIVES

Cal/EPA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Cal/EPA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of this Public Notice, the Initial Statement of Reasons, and the text of the proposed regulations are posted to Cal/EPA's Web site at <http://www.calepa.ca.gov/LawsRegs/>. Inquiries regarding the proposed regulations may be directed to Ms. Ellajay Joiner of Cal/EPA at (916) 327-9559. Please note, however, that such oral inquiries do not become part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking or supporting documents must be submitted in writing no later than 5 P.M. on May 7, 2007. Statements may also be presented orally or in writing at the public hearing for them to be considered by Cal/EPA before it adopts, amends, or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit and subscribe to the applicable Listserv at <http://www.calepa.ca.gov/Listservs/>.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Ellajay Joiner, Executive Assistant, Unified Program, Cal/EPA
Mailing address: P.O. Box 2815, Sacramento, California 95812
E-mail address: ejoiner@calepa.ca.gov
Telephone number: (916) 327-9559
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or

Ms. Loretta Sylve, Staff Environmental Scientist, Unified Program, Cal/EPA
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POST-HEARING CHANGES

After the close of the comment period, Cal/EPA may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, Cal/EPA will prepare a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how Cal/EPA addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joiner at the address listed above. A copy of the Final Statement of Reasons will also be posted on Cal/EPA's Web site listed above, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.